

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO,

Plaintiff,

vs.

THOMAS GAETANO DEVITO, *et al.*,

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

ORDER

(Mot to Compel - Dkt. #356)

The court conducted a hearing on April 14, 2011, on the parties' numerous discovery motions. The court heard Plaintiff's Motion for Reconsideration (Dkt. #347) and eleven other substantive discovery motions and related requests for relief. Gregory Guillot, George Paul and Robert McKirgan appeared on behalf of the Plaintiffs, and Samuel Lionel, Daniel Mayeda, David Korzenik, Maximiliano Couvillier, III, and Eric Swanis appeared on behalf of the Defendants. This order disposes of the following moving and responsive papers:

#356 Plaintiff's Motion to Compel Answers to Interrogatories and the Production of Documents by Defendant, DSHT, Inc.;

#367 Sealed Exhibits to #356 Motion;

#423 New Defendants' Consolidated Opposition to Plaintiff's Five Motions to Compel (Docs., 356, 360, 362, 371, and 375);

#424 Sealed Exhibits to #423 Opposition; and

#489 Plaintiff's Reply re: Motion to Compel Answers to Interrogatories and the Production of Documents by Defendant, DSHT, Inc. (Doc. 356), and Consolidated Memorandum in Support.

This motion involves Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents served on Defendant DSHT, Inc. February 6, 2009. Defendant served responses January 8, 2010, and January 29, 2010, respectively. Having reviewed the voluminous moving and responsive papers, supporting declarations and exhibits, and arguments of counsel,

1 **IT IS ORDERED** that Plaintiff's Motion to Compel Answers to Interrogatories and the
2 Production of Documents by Defendant, DSHT, Inc. (Dkt. #356) is **GRANTED** in part and **DENIED**
3 in part as follows:

4 1. The motion is **GRANTED** to the extent the court will compel supplemental responses as
5 follows:

6 a. Answer to Interrogatory No. 13. The court finds Defendant's answer evasive and
7 non-responsive. If the entity identified in the Answer to Interrogatory has no
8 officers, directors and employees, it shall supplement its response to simply say
9 so. If it has officers, directors and/or employees, it shall supplement its Answer
10 to Interrogatory to identify all officers and directors and/or managing agents, *i.e.*
11 those individuals with authority to bind the entity.

12 b. Defendant shall provide a supplemental answer to Interrogatory No. 21
13 concerning its financial interests in and share of profits from *Jersey Boys* by
14 identifying any K-1s issued.

15 c. Defendant shall supplement Answer to Interrogatory No. 22 to identify the steps
16 taken to preserve electronically stored information.

17 d. Defendant shall supplement its response to Request for Production No. 5, and
18 produce documents and electronically stored information consisting of offers or
19 proposals DSHT has received to participate in *Jersey Boys* as a producer or
20 investor.

21 e. Defendant shall respond and produce audio/visual recordings responsive to
22 Request for Production No. 7.

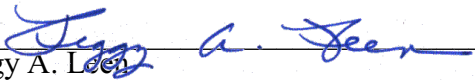
23 f. Defendant shall respond and produce all audiovisual recordings of performances
24 of *Jersey Boys* in its care, custody or control or state that it has no responsive
25 materials responsive to Request for Production No. 11.

26 2. Defendant shall have until April 29, 2011, in which to serve supplemental responses
27 required by this order.

28 ///

3. Any request for relief in any of the moving and responsive papers identified in this order not specifically addressed is **DENIED**.

Dated this 15th day of April, 2011.


Peggy A. Leen
United States Magistrate Judge